



State of California

Office of the Secretary of State

Fair Political Practices Commission

Notice of Public Hearing

A public hearing will be conducted jointly by the Office of the Secretary of State and the Fair Political Practices Commission to receive comments to assist the Secretary of State in determining whether she should exercise her authority under Government Code Section 84606 to eliminate the requirement that people who file financial disclosure statements and reports online or electronically also file their reports on paper, beginning with the first statement or report required to be filed on or after January 1, 2008.

Where: Office of the Secretary of State
1500 11th Street
First Floor Multi-Purpose Room
Sacramento, CA 95814

When: Wednesday, September 26, 2007, 10:00 a.m. — 12:00 p.m.

Background

The Online Disclosure Act,¹ requires that candidates, slate mailer organizations, and most committees required to file campaign disclosure statements and reports with the Secretary of State file them online or electronically if cumulative contributions or expenditures since January 1, 2000, are \$50,000 or more. A “major donor” (an individual or entity that contributes at least \$10,000 in a calendar year to candidates, committees, and/or measures) must file electronically if the donor makes contributions of \$50,000 or more in a calendar year. Once an entity files online or electronically, all subsequent statements or reports must be filed online or electronically except for major donors who must re-qualify as electronic filers on a calendar year basis. Entities not required to file online or electronically may do so voluntarily. (Gov. Code § 84605)

Unless otherwise determined by the Secretary of State as discussed below, those who file online or electronically, generally, must continue to file on paper with the Secretary of State and in various counties. The paper submission is the “official filing” for audit and other purposes. (Gov. Code § 84605)

Government Code Section 84606 states, in part: “The Secretary of State shall determine and publicly disclose when the online and electronic disclosure systems are operating

¹ Government Code Section 84600 *et seq.*— Statutes of 1997, Chapter 866 (SB 49 Kernette)

effectively. In making this determination, the Secretary of State shall consult with the commission [FPPC]...and any other appropriate public or private entity. Upon this determination, filers required by this chapter to file online or electronically will no longer be required to file a paper copy or with local filing officers.” [emphasis added]

In addition, Government Code Section 84605(j) provides, in part: “Upon determination by the Secretary of State, pursuant to Government Code Section 84606, that the system is operating securely and effectively, this online or electronic version shall be the official version for audit and other legal purposes.” [emphasis added]

Question

Should the Secretary of State determine that Cal-Access is operating securely and effectively and that, beginning January 1, 2008, campaign disclosure statements and reports that are filed online or electronically no longer need to be filed on paper?

Written Comments

Written comments may be submitted to the Secretary of State, Political Reform Division, 1500 11th Street, Room 495, Sacramento, CA 95814 or to the Fair Political Practices Commission at 428 J Street, Suite 620, Sacramento, CA 95814 or via e-mail to the Secretary of State, c/o Tony Miller at tony.miller@sos.ca.gov or to the Fair Political Practices Commission, c/o Susie Swatt at sswatt@fppc.ca.gov. In addition, written comments may be submitted at the September 26, 2007 public hearing.

Contact Information

If you have any questions relative to this matter, contact Tony Miller, Chief of the Secretary of State’s Political Reform Division, by calling 916-653-0296 or e-mail at tony.miller@sos.ca.gov.

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